

Serial No.: 09/926,293
Atty. Docket No.: P67157US0

REMARKS

The Office Action mailed March 30, 2004, has been carefully reviewed and by this Amendment, Applicants have amended claims 1, 7 and 8 and added claims 18-20. Claims 1-20 are pending in the application, and claims 1 and 20 are independent.

The Examiner rejected claims 1-6, 12 and 17 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,939,339 to Delmore. Under 35 U.S.C. 103(a), the Examiner rejected claims 7-9 as being unpatentable over Delmore in view of WO 93/01777 to Malloul, rejected claim 10 as being unpatentable over Delmore in view of U.S. Patent No. 5,181,905 to Flam, rejected claims 11, 13, 14 and 16 as being unpatentable over Delmore in view of U.S. Patent No. 6,168,800 to Dobos, and rejected claim 15 as being unpatentable over Delmore, Dobos and further in view of Marcussen.

As an initial matter, Applicants are unsure as to the identity of Marcussen, in that the Examiner did not provide a document number and Applicants were not able to find a corresponding reference in the prior art previously cited, whether by Applicants' Information Disclosure Statement (PTO-1449) or the Examiner's PTO-892 forms. Clarification is therefore requested.

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As clarified in amended claim 1, the present invention is directed to a pressure relieving dressing for a wound, the dressing having an absorbent element and a substantially non-absorbing pressure distributing element. The pressure distributing element is made of a material that distributes *both static pressure and sudden impacts* so as to *remove pressure* from the wound. This is not shown by Delmore.

Delmore is directed to a self-adhering elastic bandage that may be compressively wrapped around a wound, the elastic portion thereof having a compressive force when extended, so as to apply pressure to the wound. In no way can such a compressive or "pressure-applying" construction be interpreted to constitute a "pressure distributing" element made of a material that functions to *relieve* both static pressure and sudden impacts by directing force from the same away from the wound (see the specification at page 6, lines 11-18), as is claimed by the present invention. Instead, if the bandage of Delmore were fitted to the heel of a patient, for example, no shock-absorbing effect would be achieved during walking. Nor is there anything to suggest the inclusion of a pressure distributing element in the Delmore bandage as this would be contrary in purpose to the pressure-exerting construction of Delmore.

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For at least the foregoing reasons, claim 1 is neither anticipated by nor obvious in view of Delmore and is patentable thereover. Claims 2-19 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

Claims 7 and 8 have been clarified to more clearly set forth the subject matter intended to be claimed therein. More particularly, according to the present invention the absorbent element may extend through *the thickness or depth* of the pressure distributing element, as shown in Figure 4. In extending through the thickness of the pressure distributing element, the absorbent element, as still stated in claim 1, *constitutes part of the skin-contacting surface*.

This is in contrast to the sutured wound dressing of Malloul in which the absorbent element may be said to extend "through" the pressure distributing element only *longitudinally*. The absorbent element remains spaced away from the skin and *does not* constitute part of the skin-contacting surface. Instead, the wound dressing of Malloul is non-elastic and preferably relatively stiff in order to provide a raised protective support over the wound; this stiff support structure does not serve directly as an absorbent element against the skin in the manner specified in

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claims 7 and 8. Nor would it be obvious to combine Malloul with Delmore as it is difficult to see how such a structurally stiff absorbent element could be incorporated fully or partly in the elastomer substrate of Delmore without negatively impacting the compressive properties thereof.

In regard to claims 16 and 17, Applicants request reconsideration by the Examiner of what may fairly be said to be taught by Delmore. As cited by the Examiner, the statement is made at column 7, lines 44-46, of Delmore, that the "absorbent pad is preferably offset to one end of the elastic substrate". Such "offset" is indicated to "provide greater ease of application" when wrapping the elastic substrate around the finger or toe such that the elastic substrate wraps back and adheres upon itself. In defining what Delmore intended by the term "offset", it is important to note that the bandage of Delmore is intended to provide compressive force to an underlying wound. This compressive force is applied through the extension of the elastic substrate upon application to the skin. Hence, were the absorbent pad to be "wholly located to one side of a center line drawn perpendicular to a longitudinal length of said pressure distributing element", as specified in claims 16 and 17, the compressive wrapping capability of Delmore would be greatly reduced or even eliminated due to the

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fact that the absorbent pad would then underly the overlapping elastic substrate, compromising the ability of the latter to exert even compression. Thus, rather than suggesting the placement of an absorbent pad wholly to one side of a center line drawn perpendicular to the longitudinal length of the pressure distributing element, as claimed by the present invention, Delmore effectively teaches against such a significant offset. Favorable reconsideration and allowance of claims 16 and 17, as well as new claim 20, is therefore requested.

New claims 18 and 19 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein. Particularly, the prior art does not disclose or suggest a dressing as set forth in claim 1 and further including an additional absorbent element on top of the absorbent element that contacts the skin, the additional absorbent element having an absorbency greater than that of the skin-contacting absorbent element, as set forth in claim 18 (see Figure 5 and the specification at page 13, lines 12-16).

Nor does the prior art teach or suggest a dressing as set forth in claim 1 and further including a plurality of absorbent elements interspersed with portions of the pressure distributing

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element and constituting part of the skin-contacting surface, as set forth in claim 19 (see Figures 5 and 6).

Accordingly, with this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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